

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEREK W. CANTRELL,)	
)	No. CV-07-3047-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATION
v.)	FOR REMAND
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 24). The parties have filed a recent consent to proceed before a magistrate judge. (Ct. Rec. 7).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge ("ALJ") will: (1) further develop the record by updating the medical evidence or ordering a consultative examination, as necessary; (2) reevaluate Plaintiff's impairments in accordance with 20 C.F.R. § 416.920, including but not limited to his diabetes and gastroparesis, to determine whether Plaintiff has other severe impairments in addition to those previously found to be severe; (3) reevaluate the medical source opinions in accordance with 20 C.F.R. § 416.927 and SSR 06-3p, explain the weight given to the medical source opinions, and provide legally sufficient reasons if the medical source opinions are given less

1 than full weight; (4) reevaluate Plaintiff's credibility in
2 accordance with 20 C.F.R. § 416.929 and SSR 96-7p; and
3 (5) reevaluate Plaintiff's residual functional capacity and
4 capacity to perform other work, at step five of the sequential
5 evaluation process, obtaining additional vocational expert
6 testimony if necessary. Moreover, Plaintiff's subsequent
7 September 26, 2006 SSI application, currently pending hearing,
8 will be associated with this claim and a decision will be issued
9 on the combined claims.

10 Accordingly, this court reverses the Commissioner's decision
11 under sentence four of 42 U.S.C. § 405(g) with a remand of the
12 cause to the Commissioner for further proceedings. *See, Melkonyan*
13 *v. Sullivan*, 501 U.S. 89 (1991).

14 **IT IS FURTHER ORDERED:**

15 1. The parties' Stipulation for Remand (**Ct. Rec. 24**) is
16 **GRANTED.**

17 2. Judgment shall be entered for the **PLAINTIFF.**

18 3. An application for attorney fees may be filed by
19 separate motion.

20 4. The District Court Executive is directed to enter this
21 Order, forward copies to counsel, and thereafter shall **close** this
22 file.

23 **IT IS SO ORDERED.**

24 **DATED** this 26th day of February, 2008.

25
26 S/James P. Hutton
JAMES P. HUTTON
27 UNITED STATES MAGISTRATE JUDGE
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